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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/402,498	10/05/1999	JAMES EDWIN HAILEY	RCA88482	6020

7590

10/23/2003

JOSEPH S TRIPOLI
THOMSON MULTIMEDIA LICENSING INC
PO BOX 5312
PRINCETON, NJ 08540

EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/402,498

Applicant(s)

HAILEY ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 7/31/2003 have been fully considered but they are not persuasive.

1) Applicant argues that Figure 36 of Florin does not display an Electronic Program Guide, but is instead a menu for controlling other devices connected to the AV transceiver (Response, page 10).

Regarding applicant's argument 1, Florin discloses in Figure 18, an EPG menu that lists a number of programs, and Record panel 259, which allows a user to select an icon for one of a number of different connected VCR's or other A/V recording devices (Figure 18, Column 16, line 53-column 17, line 14). Additionally, devices connected to the A/V Transceiver may be controlled by CPU 63, via connect module 66 (column 21, line 41-column 22, line 14).

2) Applicant argues that Stinebruner does not disclose a number of different devices and channels with Ids enabling the decoder to communicate with a device.

Regarding Applicants argument 2, Florin discloses that commands may be issued by a user to a device that is connected to the A/V Transceiver, a user would press a button a remote control 60 which is received by CPU 63 which in turn issues a command to the device, via connect module 66 (column 21, line 41-column 22, line 14). Florin inherently contains access data associated with a menu icon for a particular device, as such data is required in order to route the proper control commands to the intended device, especially when multiple VCRs may be connected to the same A/V

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Transceiver. Stinebruner discloses in Figure 2, a table stored in a video systems memory (column 4, lines 27-29, column 7, lines 3-4), Figure 2, clearly shows that each video source (tuner 22) has its own assigned number/id, for example 2 is DBS, 1 is cable and 3 is a direct connection, a tuner selector 20 outputs a control signal to a tuner 22 that informs a particular tuner to tune to a specific channel (column 5, line 64-column 6, line 14). Associating the device icons of Florin with the device table stored in memory of Stinebruner would ensure that the commands sent by a user in the EPG of Florin would control a desired device.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6, 7, 9-17, 20, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 6,133,910 to Stinebruner.

Regarding claims 1-3, and 10, Florin discloses in Figures 1, 2, 16-18, and 36, a video decoder system that interfaces with a number of devices such as VCR 56 and device 57, and allows a user to select a device and display the programming available on that device via a program guide, a user may select a programming source via icons in window 420 in Figure 36 and formats the data for display (column 3, lines 44-59,

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column 8, line 6-column 10, line 6, column 14, line 47-58, column 16, lines 14-column 17, line 13, column 21, line 41-column 22, line 14). Florin does not disclose generating program map information enabling communications between a decoder and an external device. Stinebruner discloses in Figure 2 a channel map that associates a number of different devices and channels with an ID, and enables the decoder to communicate with the device after retrieving an ID from memory (Figures 4, 10, column 5, line 5-column 10, line 32). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the video decoder system of Florin to associate each device menu icon with a program map as disclosed by Stinebruner thereby enabling a user to control a number of different devices via a common interface.

Regarding claim 4, Stinebruner discloses that a controller may take direct control over a device or may transmit and receive control signals to an external device in a network system (column 9, line 59-column 10, line 32).

Regarding claim 6, Stinebruner discloses that each virtual channel is mapped to a difference source address (Figure 2, column 5, line 5-column 10, line 32).

Regarding claims 7 and 20, Stinebruner discloses that the source address codes include DBS and cable broadcast sources.

Regarding claims 9 and 22, Florin discloses in Figure 36, different selectable menu icons for different physical communication networks.

Regarding claim 11, Florin discloses in Figure 36, a number of selectable menu icons for different devices. Florin inherently maps the address codes to each source, otherwise Florin would not be able to know which device to query when a user requests

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available programming. Stinebruner discloses in Figure 2, different address sources and ID's corresponding to each device.

Regarding claim 12, Florin discloses that the decoder may control devices such as telephones, answering machines, email or connections to on-line services (column 21, line 41-column 22, line 14). Florin inherently utilizes an Internet address code as Florin discloses that the decoder may interface with an email device.

Regarding claims 13, 14, and 17, Florin discloses in Figures 1, 2, 16-18, and 36, a video decoder system that interfaces with a number of devices such as VCR 56, device 57, and allows a user to select a device and display the programming available on that device via a program guide, a user may select a programming source via icons in window 420 in Figure 36 and formats the data for display (column 3, lines 44-59, column 8, line 6-column 10, line 6, column 14, line 47-58, column 16, lines 14-column 17, line 13, column 21, line 41-column 22, line 14). Florin does not disclose generating program map information enabling communications between a decoder and an external device. Stinebruner discloses in Figure 2 a channel map which associates a number of different devices and channels with an ID, and enables the decoder to communicate with the device after retrieving an ID from memory, a controller may take direct control over a device or may transmit and receive control signals to an external device in a network system (Figures 4, 10, column 5, line 5-column 10, line 32). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the video decoder system of Florin to associate each device menu icon with a program map as

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disclosed by Stinebruner thereby enabling a user to control a number of different devices via a common interface.

Regarding claim 16, Florin discloses in Figure 36, a number of selectable menu icons for different devices, the decoder may control devices such as telephones, answering machines, email or connections to on-line services (column 21, line 41- column 22, line 14). Florin inherently maps the address codes to each source, otherwise Florin would not be able to know which device to query when a user requests available programming. Stinebruner discloses in Figure 2, different address sources and ID's corresponding to each device.

Regarding claim 25, Florin discloses in Figure 36, a number of selectable menu icons for different devices, the decoder may control devices such as telephones, answering machines, email or connections to on-line services (column 21, line 41- column 22, line 14). Stinebruner discloses a mapping table, which associates different sources and identifiers with a number of channels. The combined system of Florin and Stinebruner do not disclose utilizing different PIDs with program guide information from different sources. The examiner takes official notice that the use of program identifiers to associate channels and programs within program guides used in digital cable systems are well known in the art. Therefore it would have been obvious to one skilled in the art at the time of invention to modify the combined system of Florin and Stinebruner to map program information from a digital cable system within an electronic program guide, thereby allowing a user to select from a number of digital channels and enabling more programming choices for a subscriber.

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Regarding claim 26, Florin discloses in Figures 1, 2, 16-18, and 36, a video decoder system that interfaces with a number of devices such as VCR 56, device 57, and allows a user to select a device and display the programming available on that device via a program guide, a user may select a programming source via icons in window 420 in Figure 36 and formats the data for display (column 3, lines 44-59, column 8, line 6-column 10, line 6, column 14, line 47-58, column 16, lines 14-column 17, line 13, column 21, line 41-column 22, line 14). Florin does not disclose generating program map information enabling communications between a decoder and an external device. Stinebruner discloses in Figure 2 a channel map which associates a number of different devices and channels with an ID, and enables the decoder to communicate with the device after retrieving an ID from memory, a controller a may take direct control over a device or may transmit and receive control signals to an external device in a network system (Figures 4, 10, column 5, line 5-column 10, line 32). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the video decoder system of Florin to associate each device menu icon with a program map as disclosed by Stinebruner thereby enabling a user to control a number of different devices via a common interface.

Claims 5, 8, 18, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 6,133,910 to Stinebruner in further view of U.S. Patent 5,629,733 to Youman.

Regarding claims 5, 8, 18, 19, and 21, Stinebruner discloses that response access data includes a channel number and channel id in Figure 2. The combined system of Florin and Stinebruner does not disclose conditional access data as request access data. Youman discloses that a key icon may be displayed for programs which require a pin number to view based upon their MPAA rating, the pin number entry form will be displayed when a user attempts to watch a program which matches a rating code higher than what is displayed freely (column 21, line 17-column 22, line 14). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Florin/Stinebruner to display a menu icon as taught by Youman thereby identifying programming which requires additional authorization to view.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,560 to Florin in view of U.S. Patent 6,133,910 to Stinebruner in further view of U.S. Patent 5,371,553 Kawamura.

Regarding claim 23, the combined system of Florin and Stinebruner discloses a system that provides different menu icons for different external devices. Florin/Stinebruner do not disclose different address codes for different information sources. Kawamura discloses a system that allows a user to control a number of external devices including a satellite source 7 via a program menu via a number of codes (column 7, lines 17-63, column 9, line 63-column 11 line 24). Kawamura inherently utilizes codes that correspond to addresses for information sources, since a transponder code is necessary to tune to a satellite signal. Therefore, it would have

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been obvious to one skilled in the art at the time of invention to modify the combined system of Florin and Stinebruner to include the external satellite device of Kawamura thereby enabling a device to tune to satellite programming.

Regarding claim 24, Florin discloses that the decoder may control devices such as telephones, answering machines, email or connections to on-line services (column 21, line 41-column 22, line 14). Florin inherently utilizes an Internet address code as Florin discloses that the decoder may interface with an email device.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

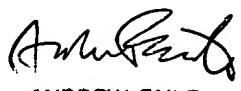
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

HBL


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600